

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated on April 21, 2017

Board/Committee:		BOARD OF ETHICS		Meeting Date	March 17, 2017
Location	Mo'ikeha Building, Liquor Conference Room 3			Start of Meeting: 1:00 p.m.	End of Meeting: 1:16 p.m.
Present	Chair Mary Tudela; Vice Chair Michael Curtis; Secretary Maureen Tabura. Members: Ryan de la Pena; Calvin Murashige; Brad Nagano, Mia Shiraishi Staff: Deputy County Attorney Bentley Adams; Boards & Commissions Office: Commission Support Clerk Sandra Muragin				
Excused	Boards & Commissions Office Administrator Jay Furfaro				
Absent					
SUBJECT		DISCUSSION		ACTION	
Call To Order				Chair Tudela called the meeting to order at 1:00 p.m. with 7 members present.	
Approval of Minutes		<u>Regular Open Session Minutes of February 17, 2017</u>		Mr. Nagano moved to approve the Open Session Minutes of February 17, 2017. Mr. Murashige seconded the motion. Motion carried with 7:0	
Communication		<p>BOE 2017-03 Letter dated February 7, 2017 from Thomas Canute, Board of Water Supply regarding potential conflict of interest as current appointed Board Member and Treasurer for the Kaua'i Habitat for Humanity (KHFH) that is building affordable housing on Kaua'i. The Board of Water is proposing a reduction in the current Facilities Reserve Charge (FRC) for those individuals or entities building and/or developing affordable housing on Kaua'i. The KHFH organization would benefit directly from the lower FRC charge.</p> <p>Chair Tudela informed the Board that an amendment to the agenda was required. The first communication item, BOE 2017-03 is technically a request for an advisory opinion. She asked the Board for a motion to amend the agenda and move BOE 2017-03 from Communications to Request for an Advisory Opinion.</p> <p>BOE 2017-04 Copy of a memo dated February 17, 2017 from Arryl</p>		<p>Mr. Curtis motioned to amend the agenda and move BOE 2017-03 from Communications to Request for an Advisory Opinion. Ms. Tabura seconded the motion. Motion Carried 7:0</p>	

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	<p><u>Kaneshiro, Council member to Council Chair Mel Rapozo regarding his recusal for a possible conflict of interest relating to agenda items C 2017-58, a dedication deed (Lot 1-A-5-A) from Grove Farm Company, Incorporated, to the County of Kauaʻi. Mr. Kaneshiro is a Project Manager for Grove Farm Company, Inc.</u></p>	<p>Ms. Tabura moved to accept communication BOE 2017-04. Mr. Nagano seconded the motion. Motion carried 7:0</p>
<p>Request for an Advisory Opinion</p>	<p><u>RAO 17-004 Letter dated February 27, 2017 from Sherman Shiraishi, Attorney, regarding association with Kauaʻi Habitat for Humanity (KHH) conflict of interest in considering the Department of Water rule changes that would impact fees for affordable housing units.</u></p> <p>Chair Tudela acknowledged Attorney Sherman Shiraishi and asked if there was anything in addition that he wanted to share with the Board members.</p> <p>Mr. Shiraishi stated he did not but was available for any questions from the Board.</p> <p>Ms. Shiraishi recused herself from the discussion and remained in the room.</p> <p>Mr. Murashige stated he did not see a need to recuse himself but informed the Board that he was a business partner with Mr. Shiraishi that ended back in 1999.</p> <p>Chair Tudela thanked Mr. Shiraishi for his time.</p> <p><u>BOE 2017-03 Letter dated February 7, 2017 from Thomas Canute, Board of Water Supply regarding potential conflict of interest as current appointed Board Member and Treasurer for the Kauaʻi Habitat for Humanity (KHFH) that is building affordable housing on Kauaʻi. The Board of Water is proposing a reduction in the current Facilities Reserve Charge (FRC) for those individuals or entities building and/or developing affordable housing on Kauaʻi. The KHFH organization would benefit directly from the lower</u></p>	<p>Mr. Curtis moved to receive RAO 17-004 and that there is no conflict of interest. Mr. de la Pena seconded the motion. Motion carried 6:1 (recusal: Shiraishi)</p>

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	<p><u>FRC charge.</u></p> <p>Mr. Murashige inquired if Mr. Canute was notified that his presence at the meeting might assist the Board in determining receipt of his letter?</p> <p>Chair Tudela asked Commission Support Clerk Muragin if Mr. Canute was notified. Ms. Muragin answered not that she was aware of. Based on that response Chair Tudela suggested to defer and give Mr. Canute an opportunity to present himself. She then asked for advice from Deputy County Attorney Bentley Adams.</p> <p>Mr. Adams suggested the Board defer for process reason.</p> <p>Chair Tudela addressed the Board that Mr. Adams suggested a deferral for processing reasons and to allow Mr. Canute the opportunity to present himself.</p> <p>Mr. Curtis stated he didn't think a deferral was necessary.</p> <p>Mr. Curtis said it's similar to Mr. Shiraishi's disclosure. Mr. Canute disclosed his position and he did not see any conflict of interest and that is why he made the motion to receive. Mr. Curtis stated that his presence would not alter the Board's decision.</p> <p>Mr. Murashige shared that he saw a slight difference from Mr. Shiraishi's requests. He noted Mr. Shiraishi's involvement with Kaua'i Habitat For Humanities (KHFH) would constitute as incidental. He stated it's not on a regular basis, it could be but it's not, Mr. Shiraishi is not a non-profit attorney. The issue with Mr. Canute's situation is that he is a Board member. Mr. Murashige questioned the impact a board member would have. He brought up a past situation that the Board reviewed regarding Mr.</p>	<p>Mr. Curtis motioned to receive Mr. Canute's disclosure and find that there is no conflict of interest. Mr. de la Pena seconded the motion.</p>

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	<p>Kukai Kualii'i. There was concern because of his involvement with the YWCA (Young Women's Christian Association).</p> <p>Chair Tudela acknowledged consistency with prior decisions as a way to decide on potential conflicts. For comparison she remembered there was one about the government, taxation or increases in prices that was going to affect everyone. She believed the Board supported it and found it did not have an issue. Chair Tudela said that Mr. Canute's disclosure is in the same category because a vote would imply all non-profits not just the KHFH. She stated that is why she is leaning more towards Mr. Curtis direction, because any decision made would be for all non-profits not just specific to KHFH.</p> <p>Mr. Nagano said he remembered the Kualii'i discussion. He said that Mr. Kualii'i was a Board member and that it specifically funded the YWCA. Chair Tudela agreed.</p> <p>Ms. Shiraishi shared that a Board member has a certain duty to act in the best interest of the organization serving. She felt he would have to vote for the FRC (Facilities Reserve Charge) a certain way in order to support the organization.</p> <p>Mr. Curtis inquired about the differences for the Board of Water Supply FRC between non-profits, home owners and new building permits.</p> <p>Mr. Murashige stated it could be for individuals.</p> <p>Mr. de la Pena confirmed it could be for individuals and entities building affordable housing.</p> <p>Chair Tudela called for the question.</p>	<p>Motion carried 5:2 (nay: Murashige and Shiraishi)</p>
Disclosures	1. <u>Kimberly Asako Torigoe (Deputy Prosecuting Attorney)</u>	Ms. Tabura moved to receive Disclosures 1, 2, 3,

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	2. <u>Bentley Childs Adams III (Deputy County Attorney)</u> 3. <u>Ginger Davis Grinpas (Deputy Prosecuting Attorney)</u> 4. <u>Alfred C. Garces Jr. (Fire Commission)</u> 5. <u>Michael Martinez (Fire Commission)</u>	4 and deem them complete with Disclosure 5 being incomplete for a blank area. Mr. de la Pena seconded the motion. Motion carried 7:0
Announcements	Next Meeting: Friday, April 21, 2017 – 1:00 p.m., Mo'ikeha Building, Liquor Conference Room	
Adjournment		Mr. Murashige moved to adjourn the meeting at 1:16 p.m. Ms. Tabura seconded the motion. Motion carried 7:0.

Submitted by: _____
Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
Mary Tudela, Chair

(X) Approved as circulated. 4/21/17

() Approved with amendments. See minutes of _____ meeting.